

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 12/8/2020
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----, X	
UNITED STATES OF AMERICA,	:
	:
	:
-against-	:
	:
	:
DOMINGO ROSARIO FIGUEROA,	:
	:
Defendant.	:
----- X	

92-CR-0019

ORDER

VALERIE CAPRONI, United States District Judge:

WHEREAS on May 11, 1992, Defendant was sentenced to 271 months' imprisonment in the Eastern District of Virginia;

WHEREAS on June 15, 1995, Defendant was sentenced by Judge Schwartz in the Southern District of New York to 840 months' imprisonment, to run consecutive to the 271 months' sentence;

WHEREAS on February 7, 2020, Defendant filed an amended § 2255 petition requesting vacatur of his convictions on Count Six, Seven, and Eight;

WHEREAS on May 6, 2020, this Court vacated Defendant's § 924(c) conviction on Count Six and denied the balance of the petition;

WHEREAS Defendant's resentencing is scheduled for December 10, 2020;

IT IS HEREBY ORDERED THAT:

1. The parties should be prepared to discuss the range of permissible sentencing options.

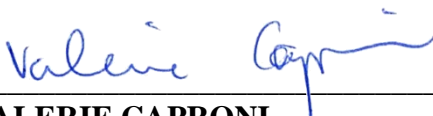
Specifically, the parties must consider whether a potential time-served sentence on all Counts other than the remaining § 924(c) conviction on Count Seven and a minimum mandatory sentence of 20 years on Count Seven would require that Defendant serve another twenty years or whether a sentence could legally be structured so that the

mandatory twenty-year sentence for Count Seven would run from the expiration of the sentence imposed in the Eastern District of Virginia or some other date prior to the new date of sentencing but after the date the Eastern District of Virginia sentence expired.

2. The parties should also be prepared to discuss whether the Supplemental Presentence Report and the Government's letter erred when indicating that Count Seven carries a mandatory consecutive term of 25 years inasmuch as, at the time of the offense, the mandatory minimum sentence for a successive § 924(c) conviction was 20 years, consecutive to any other term of imprisonment.
3. Separately, no later than **December 9, 2020 at 5:00 p.m.**, the Government must inform the Court whether it has notified the victims of the crimes and whether either victim wants to be heard at Defendant's resentencing.
4. If the parties require more time to research these issues, either party is welcome to file a request to adjourn the resentencing.

SO ORDERED.

Date: December 8, 2020
New York, NY



VALERIE CAPRONI
United States District Judge